

1/10/05

U. S. BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA

ROANOKE CALENDAR - January 6, 2005

(The Honorable Ross W. Krumm Presiding)

**Hearings by Video Conference**

(Start \_\_\_\_\_ Recess \_\_\_\_\_ / \_\_\_\_\_ Stop \_\_\_\_\_ Trials: \_\_\_\_\_ Proceedings: \_\_\_\_\_)

Attys: Debtors: Case Nos.: Trustees:

**2:30 P.M.**

M. Giles	DONALD & PATRICIA HAYNES-CH7 (E)	7-04-03087	Allen/GR
	AP04-07120: Determine Lien; Debtors v. SLM Financial Corporation ( ); pre-trial; Defendant's Motion to Dismiss <i>-contd from 12/9</i>		

**3:00 P.M.**

Huffman	BARBARA BRANDT	04-03810	Connelly/JM
	Confirmation & Trustee's Objection & Motion to Dismiss or convert #6 – <i>contd from 12/9</i>		

Krippend. 88,90	CARL JR. & BECKY CHILDRESS-CH13	7-00-02373	Connelly/SL
	Motion #4: Relief; Bank of Botetourt (Patterson) v. Debtors and Trustee ( <i>Response by Debtors</i> ) ( <i>Continued from 11/4/04, if payments made</i> )		

Magee	CHARLES GORE	03-03149	DIP
	Contd hearing on Objection to Claim 12 of IRS (#58) – <i>contd from 1/6</i>		
Magee	CHARLES GORE	03-03149	DIP
	Motion of USA to Dismiss Case (#52) (Eckert) - <i>contd from 1/6</i>		

Bowman	DWAYNE & DEBORAH BISHOP-ch13	04-1207	Connelly/JM
	Motion for Relief: US Bank Nat'l Assoc (Bierman) filed 11/26; d/e # 37, 39; Motion/Order for Extension: #38, 41 <u>Response</u> filed by debtors; #43		

M. Hart	GEORGE CUBITT-CH13 Motion for Relief: M&T Trust Co (Bierman) filed 11/24; d/e #35	04-01017	Connelly/LM
M Giles	VERNIE RAY Motion for Relief: filed 11/24; #61, <u>and Co-Debtor Relief re: Donald W. Kelley, co-debtor: #61 to 65;</u> <u>Response filed 12/10; #68</u>	03-37	Connelly/AF
M Giles	JAMES & VIRGINIA MCKITTRICK Motion for Relief re: 1515 Longview Ave : by Chase Manhattan Mortgage Corp (J. Clarke) filed 11/30; #37 to 41 <u>Response filed 12/10; #46</u>	03-445	Connelly/JJ
Palmer	BRYANT & MELISSA BANKS Motion for Relief filed 12/1; #26 to 28; filed by Key Bank USA (Sasser) <u>Response filed 12/3; d/e # 29</u>	04-3467	Connelly/SL
M Giles	JOHN SMITH Motion for Relief filed 11/30; #23, 24, 25 by DaimlerChrysler Services NA (Higgs) <b><u>Order Granting Relief entered 12/27; #34</u></b>	04-74468	Connelly/SL
M. Giles	DEBORAH BASTIAN-C Motion for Relief <u>from Co-debtor stay</u> filed 12/2; #15 to #17	7-04-03701	Connelly/S
Cruey	DAVID & SHERRIE SMITH-CH7 (E) Motion for Relief: Green Tree Servicing fka Conseco Finance Corp (McQuiddy) filed 12/03; #5, 6, 7 <b><i>-Order of 12/29 entered granting relief</i></b>	04-74516	Allen/LM
M Hart	JAMES & AURORA BOWMAN Motion for Relief filed 12/3; #65, 66, 67; by Green Tree Servicing LLC(McQuiddy) <u>Response filed 12/10; #69</u> <u>Movant Certif. Filed 12/14; #71</u> Order granting with conditions entered on 1/4/05 (hearing canceled) d/e 74	04-2469	Connelly/SL

RWK 1/6/05 - 3:00 pm

M Hart	STACEY WRIGHT Motion for Relief - filed 11/30; #41, 42, 43, 45 by Chase Manhattan Mortgage (Clarke) <u>Answer filed 12/1; #44</u>	04-1761	Connelly/SJ
M Hart	SAMUEL & TONYA SNUFFER-CH13 Motion for Relief filed 11/24; #38, 39; by U.S. Bank (Bierman) Motion/Order Continuing Stay; #40, 43 <b>Response</b> filed 11/30/04 by debtors by counsel; #41 – <b>contd from 1/6</b>  <b>–see also Continuance at Page 6</b> to same date/time	04-00142	Connelly/JJ
M Hart	CHARLES & MARY DUFF-CH13 Motion for Relief filed 12/07; #31,32 by Homecomings Financial Network (McQuiddy) <u>Answer to motion filed 12/9; #34</u> – <b>contd from 1/6</b>	04-02884	Connelly/GR
M. Hart	PRESTON SNELL-CH13 Motion for Relief; Chase Manhattan Mortgage Corp. (Sasser/ _____) v. Debtor and Trustee ( <i>filed 10/21</i> ) #45 ( <i>Response by Debtor</i> ) #47 - <i>contd from 12/9</i>	7-03-03696	Connelly/NS
M. Hart	GEORGE CUBITT-CH13 Debtor's Objection to Claim #6 of M & T Trust Company - \$147,051.38 ( <i>Response by Select Servicing, Inc., fka Fairbanks Capital Corp.</i> ) #27, 29 ( <i>Contd fr 11/4 &amp; 12/9</i> )\	7-04-01017	Connelly/LM
M. Hart	DANNY STANLEY-CH13 <b>OBJECTION</b> by Debtor to Trustee's Certification for Dismissal #57, 60 – <i>contd from 12/9</i>	7-01-00255	Connelly/SJ
Bowman	JANE THOMPSON-CH13 <b>Motion for Relief:</b> Mortgage Electronic Registration Systems (Patterson/C) v. Debtors and Trustee filed 11/15; #53,55 <b>Movant's Certification</b> filed 11/15; #54 – <b>contd from 12/9</b>	04-01208	Connelly/JM

RWK 1/6/05 - 3:00 pm

M Hart	TONYA BROWN	03-2891	Connelly/NS
	Motion for Relief - filed 12/8; #37, 38, 39; Chase Manhattan Mortgage Corp (Wood)		
M Hart	DANIEL & CHARLENE CASTELLUZZO	04-2392	Connelly/NS
	Motion for Relief: to permit foreclosure: Chase Manhattan Mortgage (Wood) on 12/8 , #23 & 24 , <i>filed w/movant certification #25</i> <u>Answer to Motion filed 12/7; #22</u>		
	Recused to Judge Stone - continued to January 24, 2004 @ 11:00 AM		
M Giles	DARRELL & TAMMY HAGER	04-74420	McLean/SO
	Motion for Relief - filed 12/9; #11, HSBC Mortgage Services (White)		
Palmer	CHRISTOPHER MILLER	04-74733(RWK)	Creasy/AF
	Motion for relief filed 12/8; #11,; #13 p-h-o; by Mortgage Electronic Registration Systems Inc , agent for Wachovia Bank (Patterson) <b><i>#12 Ord of Recusal</i></b> of 12/10 direct counsel to contact Judge Stone Chambers for hrg		
Delafield	MARTIN & SHARON JEFFREY	04-74202	Connelly/S
	Motion for Relief: filed 12/13; #17, 18, 19, by Standard Federal Bank (Patterson) <u>Answer filed by debtors d/e #21</u> <b>contd from 1/6</b>		
Gillis	CALLIE ROBINETTE	04-74783	Krippend/GR
	Motion for Relief filed 12/13; #7, 7; by Flagstar Bank (Patterson)		

RWK 1/6/05 - 3:00 pm

McLean	DOGWOOD FARMS INC.	04-3684	Callahan/GR
	Motion for Relief filed 12/13; #37, 38, by Gourley & Gourley (Black)		
	<b>Answer</b> filed by debtor 12/23; #40		
	<u>Supplement to Relief Motion filed 12/28; #42</u>		
McLean	PAMELA JOHNSON	04-03685	Vogel/GR
	Motion for Relief filed 12/13; #36, 37 by Gourley & Gourley (Black)		
	<b>Answer</b> filed by debtor 12/23; #39		
	<u>Supplement to Relief Motion filed 12/28; #40</u>		
	<u>Response of Trustee George Vogel filed 12/31; #41</u>		
McLean	TED JOHNSON	04-3654	Vogel/SJ
	Motion for Relief - filed 12/10; #36, 37, Citifinancial Mortgage Company (Zimm)		
	<i>contd from 1/6</i>		
	Motion for Relief filed 12/13, #38, 39 by Gourley & Gourley LLC (Marc E Albert)		
	<b>Answer</b> filed by debtor 12/23; #42		
	Report of Value of vehicle filed 12/28; #46		
	<u>Response of Trustee filed 12/29; #44 (Vogel)</u> <i>contd from 1/6</i>		
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M Hart	MILTON & DEBORAH MORGAN	04-1529	Connelly/VS
	Motion for relief - filed 12/14; #42, 43; Chase Manhattan Mortgage Corp (Sasser)		
Krippend.	JEFFREY SHELTON	04-74049	Allen/JJ
	Motion for Relief; filed 12/14; #22, 23 by Chase Manhattan Mortgage Corp (Sasser)		
	<b>Response</b> filed by debtor 12/22; #27		
	<b><i>–Order of 12/30 dismissed motion</i></b>		
Palmer	KENNETH PAYNE	04-2644	Connelly/JJ
	Motion for Relief - filed 12/3; #25, (corrected notice #27) #28, 29: Homecomings		
	Financial Network (McQuiddy)		
	<i>Movant Certification 12/14; #36</i>		
	<u><i>Response of Debtor 12/10; #34</i></u> <i>contd from 1/6</i>		
	Motion for Co-Debtor Relief - filed 12/3; #26, 30 by Homecomings Financial		
	Network (McQuiddy)		
	<b>Response</b> filed 1/3/05 by debtor by counsel; #40 <i>contd from 1/6</i>		

RWK 1/6/05 - 3:00 pm

Shrader	JAMES & REBECCA WHEELER Motion for Relief - filed 12/14; #6, 7 8, by Green Tree Servicing LLC fka Consec Finance Corp (McQuiddy) Movant's Certification; #9	04-74846	McLean/JJ
M Hart	SAMUEL & TONYA SNUFFER Motion for Relief filed 12/8; #45, 48 by Chase Manhattan Mortgage (Patterson) <u>Response filed 12/13; #47</u> <i>contd from 1/6</i>	04-142	Connelly/JJ
Moses	MARK & PAULA HAUPT Motion for Relief - file 11/18; #13, 14, 15, (ntc #16) by Homecomings (Whitridge)	04-3829	Creasy/VS
M Giles	RONALD ISON JR-ch13 Trustee's Motion to Dismiss or Convert - contd from 11/9 & 12/14	7-00-01440	Connelly/AF
Palmer	WILLIAM & DEBORAH SMITH Debtors' Objection to Claim #2 of Capital One Auto Finance - <i>contd from 12/14</i>	04-74216	Connelly/LM
M Hart	CHARLES & EMILY PENDLETON Motion to Suspend Payments filed 11/22; #23 <i>contd from 12/14</i>	03-02163	Connelly/SJ

Magee	KGG, LLC	04-74550	DIP/JJ
	Motion of Debtor to Sell Free & Clear of Liens, filed 12/13; #53, 54; <u><b>Amended Notice of Hearing filed 12/15/04 scheduling hearing on 01/11/05 at 2 p.m.; #61</b></u>		
	Amended Motion to Sell Free & Clear of Liens filed 12/17/04; #64		
	Objections and Memorandum in Opposition of Respondent Burnt Chimney Properties, Inc. (Grimes) ; #68		
	Application to Employ Magee, Foster, Goldstein & Sayers as Counsel for Debtor #4		
	<b>Obj:</b> U S Trustee (Garber) filed 11/19 #19 - <i>contd from 12/14</i>		
M Hart	RICHARD WEAVER	02-01358	Connelly/SJ
	Motion of Trustee to Dismiss or Convert case filed 12/11; d/e # 32		
	<i>contd from 12/14</i>		
Spencer	HERBERT & NORMA TOLLEY-ch13	7-99-04246	Connelly/JJ
	Trustee Motion to Dismiss Case - contd from 12/14		
	Distribution of Sales Proceeds - contd from 12/14		
M Hart	RUSSELL BARTON	04-295	Connelly/NS
	Motion for Relief - filed 12/7; #44, 46; by Homecomings Financial Network (McQuiddy)		
	<u>Answer of Debtor filed 12/13; #48</u>		
	<i>Movant certification filed 12/14, #49 (amended by #50) contd from 1/6</i>		
M Giles	STEVEN & TERRY HILL	04-2787	Connelly/GR
	Motion for Relief - filed 12/15; #34, 35, 37, 39, ; by Green Tree Servicing LLC fka Conesco Finance Corp (McQuiddy)		
	<b>Response</b> filed by debtors 12/28; #41		
Hart	JANICE HOOD	04-74054	Connelly/SJ
	Motion for relief from stay filed by James Emery(Harman) d/e #14		
	<u>Answer filed 12/28; #20</u> <i>contd from 1/6</i>		

RWK 1/6/05 - 3:00 pm

Giles	MICHAEL & DEBORAH HOFBAUER	04-3622	Connelly/SO
	Motion for Relief from stay (5201 Orchard Hill Dr, Roanoke) filed 12/7; #23 by ABN AMRO Mortgage Group (Christine Patterson) <b>Order of 12/17, #29, withdrew motion</b>		
Spencer	DEVIN & RENA JOHNSON	04-4015	Connelly/LM
	Motion for Relief - filed 12/13; #23,24, 25, by Transouth Financial Corp (Zimm) <i>Amended notice filed 12/20 (to correct time)</i>		
Montgomery	ERNIE & SCYLENEA ALLEY-CH7 (E)	04-74934	Allen/AF
	Motion for Relief by Washington Mutual Bank (C.Patterson) filed 12/20; #7, 8 <u>Response filed 12/29; #11</u>		
Harrison	LISA HOOKER-CH7	04-3859	Creasy/SJones
	Trustee's Motion For Extension of Time To File Complaints filed; #17,18, 19, 25 <b><i>-Report of No Objs filed 1/3; ord self-executing; hearing cancelled</i></b>		
Taylor	JOSEPH WILLIS LEE, III-CH7	04-2269	McLean/SL
	Debtor's Motion to Withdraw/Dismiss Attorney filed 12/20; #30		
Bowman	TONI LYNN KING-CH13 (E)	04-74900	Connelly/SJohn
	Motion to Extend Time to Cure Deficiencies filed 12/27; #15		
Shrader	BRYAN & CINDY BAILEY (E)	04-74245	Creasy/JJ
	Trustee's Motion to Extend Time to File Objections To Exemptions and Complaints re: Discharge and Dischargeability filed 12/11; #12, 13, 14, 16 <b><i>-Order of 12/29 withdrew trustee's motion</i></b>		
Shrader	RONALD & ANN MORGAN-CH7 (E)	04-74248	Creasy/JJ
	Trustee's Motion to Extend Time to File Objections To Exemptions and Complaints re: Discharge and Dischargeability filed 12/11; #8, 9, 10, 11, 12,  Report of no objection filed 1/3/2005. Order self-executing; hearing canceled.		
Beck	CLYDE T. SHAW & DORIS LEDERER	01-5217	DIP/LM
	AP 04-7129: Recover Money/Property - <i>pre-trial contd from 1/6</i> Clyde T. Shaw & Doris Lederer (Thompson) v. David Ehrlich (King)		
Bowman	MICHAEL TROY LOGAN	04-01165	Creasy/SL
	AP 04-7130: Det dischargeability- <i>pre-trial contd from 1/6</i> Debtor (Bowman) v. Virginia Metal Services Inc		



**4:00 P.M.**

Copeland GREEN SPRING SPORT CENTER-CH11(WSA case)7-04-02727 DIP/VS  
Motion for Relief; GE Commercial Distribution Finance, Transamerica Commercial  
Finance (Kuhnel) v. Debtor #56, 60  
*(Abingdon Parties will appear in Roanoke ) cont fr 12/9*

Continued Chapter 11 Status Hearing  
*Fee application of Counsel for Debtor, Robert Copeland,*  
-contd from 12/9

Motion for Relief: BB&T (Esposito) v. Debtor; d/e#67/68  
*contd fr. 12/9 (#94) and showcause*

-Motion of Trustee to Sell Debtor's Real Estate filed 12/17; #80

-Motion of Trustee to Sell Property and Conduct Going Out of business sale, #82, 83  
*Obj to Mot to sell/conduct going out of business sale filed 12/29; #99, by*  
*Textron Financial Corp (Thompson) filed w/Ntc of filing Affidavit of Greg Waples*

-Debtor's Motion to Sell Free & Clear of Liens Bass Pro Shoppe Portion of Business;

#86

-Debtor's Motion to Sell Property (spare parts/inventory) and Motion to Shorten Time for  
Hearing; #88, #89

**-Objection and response filed by BB&T(Esposito) on 1/5 to Motion to sell property and  
for permission to conduct a going out of business sale: Motion to sell Pro Bass Shoppe  
free/clear of liens; Motion to sell property(inventory/spare parts; Motion to sell real  
estate and Motion to shorten time for hearing**